

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JESUS CARO LOPEZ,

Defendant.

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Case No. 1:17-cr-00269-1

ORDER

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Jesus Caro Lopez moved for a sentence reduction under the compassionate-release statute.¹ Lopez's motion argued, in part, that a nonretroactive sentencing-law change presented an extraordinary and compelling reason for relief.²

When Lopez filed his motion, the Sixth Circuit had issued conflicting decisions about whether district courts could consider nonretroactive sentencing-law changes when deciding compassionate-release motions.³ But the en banc Sixth Circuit appeared ready to resolve the intracircuit split in *United States v. McCall*.⁴

On June 7, 2022, the Court granted the Government's motion to hold Lopez's motion in abeyance pending the Sixth Circuit's *McCall* decision.⁵

On December 22, 2022, the Sixth Circuit issued its *McCall* decision.⁶ The en banc court held that nonretroactive sentencing-law changes do not provide extraordinary and

¹ Doc. 68; 18 U.S.C. § 3582(c)(1)(A)(ii). Courtney's counsel supplemented his pro se motion. Doc. 70.

² Doc. 70 at 2–5 (PageID 1110–13).

³ See *United States v. McCall*, 21-3400, 2022 WL 17843865, at *2 (6th Cir. Dec. 22, 2022) (describing the split).

⁴ *United States v. McCall*, 29 F.4th 816 (6th Cir. 2022) (mem.) (granting rehearing en banc).

⁵ Doc. 73.

⁶ *McCall*, 2022 WL 17843865 (6th Cir. Dec. 22, 2022).

Case No. 1:17-cr-00269
Gwin, J.

compelling reasons to grant compassionate release.⁷

Now, the Court **LIFTS THE STAY** on Lopez's motion and **ORDERS** the Government to respond to Lopez's motion within 21 days of this order. The Court further **ORDERS** Lopez to file any reply within 14 days of the Government's response.

IT IS SO ORDERED

Dated: June 14, 2023

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ *McCall*, 2022 WL 17843865, at *5–11 (6th Cir. Dec. 22, 2022)